

existing gaming facilities, and their position was that the Interior Department had not properly considered the fact or the possibility that the establishment of this proposed facility would have a negative impact on the existing facilities. And it seemed to me that that was justification for reconsidering the – reconsidering is probably not the best word, but reviewing the determination that the staff of the Interior Department had made. And I recall having told him that these people who had visited me were supporters of the Democratic Party.<sup>256</sup>

Fowler testified that he did not recall asking Ickes to do anything in particular, but he expected that Ickes would look into it, and “review the determination and the complaint” that O’Connor’s group had brought to Fowler.<sup>257</sup> He cannot recall how Ickes responded to the call, but does not believe Ickes made any promise or offer of specific action.

Fowler followed this call with a memo to Ickes, which was drafted for Fowler by Mercer.

The May 5 memo, which said that it was regarding “Indian Gaming Issue,” stated:

This is to follow up our conversation regarding the Hudson Wisconsin Casino proposal. Below is an outline of the issues raised during my meeting with several tribal leaders and DNC supporters who oppose the project. I’ve also attached a Peat Marwick impact study forwarded by our supporters. Please let me know how we might proceed. Thanks for your attention.

- The proposal to convert a dog track to a casino is being pushed by American Indian tribes who are supporters of Governor Thompson who is opposed to gaming, but would let stand the Interior Secretary’s designation of the project as “land in trust” and thus eligible to establish a gaming operation.
- The current owners of the dog track operate out of Buffalo, NY and so Sen. D’Amato is advancing their proposal at the Interior Department, where the decision to grant the land in trust is made at the ‘discretion’ of the Secretary.
- The tribes–Wisconsin St. Croix and Ho-Chunk, Minnesota Shakopee Sioux, Upper Sioux, Prairie Island Sioux and Mille-Lac Lake–I met with

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<sup>256</sup>Fowler G.J. Test. at 143-44.

<sup>257</sup>*Id.* at 146-47.